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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,702	01/16/2001	James Douglas Pettifor	36-1399	7602

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EXAMINER
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AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

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DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/743,702

**Applicant(s)**

PETTIFOR ET AL.

**Examiner**

Rasha S AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiner could not understand exactly the limitation of this claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-6, 8-9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Takeda et al (US PAT # 5,701,412).

Regarding claim 1, Takeda <sup>Teuch</sup> a telephone switching center coupled to a subscriber line and an enhanced service apparatus (see Fig.1 and 2, also, col.4, lines 30-37), the switching center having event detection means for recording the occurrence of a predetermined event associated with the subscriber line (see col.4, lines 60-65), and a call processing means responsive to an attempt to establish or terminate a call connection via the subscriber line (see col.4, lines 60-65) to selectively either: notify the enhanced service processing apparatus of that attempt (see col.6, lines 14-44) or establish or terminate said call connection without such notification (this basically reads on connection calls such as 1-800 toll free numbers, see also, col.4, lines 39-50), according to whether occurrence of the predetermined event has been recorded by the detection means, the enhanced service processing apparatus having means responsive to such notification to send switching control commands to the telephone switching center (see col.4, lines 60-65 also, col.6, lines 39-56).

Claim 8 is rejected for the same reasons as discussed above with respect to claim 1.

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Regarding claim 2, the processing means including a flag means, which is responsive to notification of said predetermined event (this basically reads on the armed trigger, see col. 5, lines 9-20 and col.6, lines 14-23).

Regarding claim 3, in regard to the event detecting means for detecting a predetermined event and notifying the switching center of an occurrence of said event (see col.6, lines 39-44).

Claim 4 is rejected for the same reasons as discussed above with respect to claim 1. Also, the flag reads on the armed trigger that is associated with the predetermined event of a called party in the event of a busy or no answer situation (see abstract, also col.11, lines 9-21).

Regarding claim 5, the enhanced service processing apparatus has means to control the switching center in dependence on said flag state information (see col. 12, lines 16-23).

Regarding claim 6, examiner interruption for this claim reads on the event of activating the armed trigger in the case of reaching called party voice mail system because of a no answer or busy situation at the called party terminal (see col.11, lines 8-20).

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Claim 9 is rejected for the same reasons as discussed above with respect to claim 6.

Claim 11 basically states that there is no further notification message will be send to the SCP until another event is detected. This is inherent

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda.

Regarding claim 7, Takeda does not specifically teach a call charging system that charge the subscriber line in the event of exceeding a threshold value.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a charging means in Takeda system in order to discourage users from making unauthorized calls to certain numbers.

Claim 10, basically states that each time a user makes a call that will be counted in the parameter at the user terminal. Obviously if there is a limit on how many phone calls a user can make each time phone call will be placed a trigger will be armed when it reaches the threshold value.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mongomery et al (US PAT # 5,774,530) teaches delivering dialed numbers, which contains information regarding commencement or termination of the usage of an identified local loop (see abstract).

Rosen (US PAT # 6,014,435) teaches call defeat device to prevent long distance calls, 1-900, etc.

Lee (US PAT # 5,694,461) teaches a method for controlling long distance call in an analog key telephone system.

Brysch et al (US PAT # 6,687,353) teaches a system and method includes a discrete line sensor within the customer sites for determining a call type of the call (see abstract).

Gaukel et al (US PAT # 5,774,530) teaches a circuit, which prevents a telephone from making, unauthorized or restricted calls to specific numbers.

Boltz (US PAT # 6,311,055) teaches a database that stores subscribers' records, which includes a screening list of specific numbers or countries that they are allowed to call (see abstract).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.




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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha S Al-Aubaidi

02/23/2004

  
AHMAD F. MATAR  
SUPERVISORY PATENT EXAMINER  
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